

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:23-cv-503-FDW-DCK**

SEMARIA GASS,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
U.S. FEDERAL COURT SYSTEM,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court sua sponte.

The pro se Plaintiff filed this civil action without paying the filing fee, and sought to proceed in forma pauperis. [Doc. 2]. On August 18, 2023, the Court denied the Plaintiff's Application to proceed in forma pauperis and ordered her to pay the filing fee within 30 days. [Doc. 3]. The Plaintiff was cautioned that "the failure to timely pay the filing fee ... will result in the dismissal of this action without prejudice and this case's closure without further notice." [Id. at 2]. The Plaintiff appealed to the Fourth Circuit Court of Appeals, and the appeal was dismissed for lack of prosecution on November 6, 2023. [See Doc. 8]. The Plaintiff has not paid the filing fee.

The Plaintiff appears to have abandoned this action. Therefore, this action will be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and

a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for failure to comply with the Court's August 18, 2023 Order.
2. The Clerk of Court is directed to close this case.

Signed: November 21,


Frank D. Whitney
United States District Judge